

APPEAL NO. 021317  
FILED JULY 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 29, 2002. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; and (2) the claimant had disability beginning \_\_\_\_\_, and continuing through June 24, 2001. The appellant (self-insured) appeals the determinations on sufficiency of the evidence grounds and asserts legal error in the lack of specificity in the applicable findings of fact. The claimant did not file a response.

DECISION

Affirmed.

**COMPENSABLE INJURY**

The hearing officer did not err in determining that the claimant sustained a compensable injury on \_\_\_\_\_. It is undisputed that the claimant fell and was injured on her employer's property while leaving work to go home. At issue is whether the claimant was in the course and scope of her employment at the time of her injury. The claimant asserted at the hearing that her injury occurred within the course and scope of her employment under the access doctrine. Whether an injury comes within the access doctrine is generally a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 992018, decided October 20, 1999. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented in this case, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

As stated above, the self-insured asserts legal error in the lack of specificity in the hearing officer's findings of fact with regard to the injury determination. The self-insured contends that its "right to effective judicial review" has been prejudiced because the findings of fact "failed to inform the [self-insured] and the Appeals Panel of the basis for the Hearing Officer's decision." We have addressed, in prior decisions, similar contentions and held that detailed, underlying findings of fact are not required by the 1989 Act. See Texas Workers' Compensation Commission Appeal No. 93147, decided April 12, 1993. Additionally, we note that the claimant asserted, as the basis of her claim, that her injury occurred within the course and scope of her employment under the access doctrine. To be clear, the applicability of the access doctrine was the central

dispute at the hearing below. The self-insured admits as much in its appeal when it states, "we have argued this case as one involving issues of the access doctrine and course and scope of employment . . ." and reasserts its arguments of the applicability of the doctrine in its brief on appeal. Thus, it appears that the applicability of the access doctrine formed the basis of the hearing officer's decision. We affirm the decision on that basis, consistent with our discussion above.

### **DISABILITY**

The hearing officer did not err in determining that the claimant had disability beginning \_\_\_\_\_, and continuing through June 24, 2001. Whether the claimant had disability for the stated period was a question of fact for the hearing officer to resolve. In view of the claimant's testimony, we cannot conclude that the hearing officer's disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, *supra*.

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and address of its registered agent for service of process is

**JG**  
**(ADDRESS)**  
**(CITY), TEXAS (ZIP CODE).**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge